

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID ANTHONY MILAN,

Plaintiff,

v.

MICHAEL KORIEN, DAVID PLUFKA,
GLASS & KORIEN, and KEEFFE &
GRIFFITHS PC.,

Defendants.

Case No. 3:15-cv-747-MJR-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion for Leave to Serve Initial Discovery Requests filed by Defendants David Plufka and Keefe & Griffiths, P.C., on November 1, 2016 (Doc. 57). The Motion is **GRANTED**.

On September 15, 2016, this Court held a scheduling conference in which Defendants appeared by counsel and where the Court and the parties discussed the schedule in this matter. Thereafter, the Court adopted the joint report of parties, which they signed on August 31, 2016 by a Scheduling Order entered on September 26, 2016 (Doc. 50). Defendants now have filed a motion implying that they were surprised by the September 21, 2016 deadline for serving initial discovery requests. They indicate that it was “impossible” to meet the September 21, 2016 deadline because the Scheduling Order was not entered until September 26, 2016. Such an argument is wholly without merit and frankly ludicrous. Defendants were aware, and *agreed to*, the September 21, 2016 deadline and should have been working diligently to meet that deadline regardless of when the Scheduling Order was entered.

Second, Federal Rule of Civil Procedure 29 provides a mechanism by which the *parties*,

without the Court's involvement, could modify the schedule. There is no showing in Defendants' brief that they even attempted to secure the Plaintiff's permission to extend the initial discovery deadline. Such a simple act would have saved the resources of Defendants and the Court.

In any event, and in order to move these proceedings along, Defendants are granted leave to serve their initial discovery request and should do so with all possible haste. The Court suggests that the parties review the Scheduling Order and meet the other deadlines contained therein.

DATED: November 2, 2016



DONALD G. WILKERSON
United States Magistrate Judge